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ABSTRACT

The status of faculty unionization in American colleges in 1988 is reviewed in this newsletter. Information is given on the following: agents elected; activities of the American Federation of Teachers (AFT), National Education Association (NEA), and American Association of University Professors (AAUP); "no-agent" elections; decertifications; strikes; legislation; demographic analysis; and first contract signed. A summary of elections for 1987 is tabulated. A concluding analysis emphasizes the lack of organizing of any new full-time bargaining units for the first time in 16 years, with the only new units being those with part-time faculty and teaching assistants. It is suggested that the lack of any new enabling legislation will have a long-term negative effect in further faculty unionization. A decision that faculty at the University of Pennsylvania were managerial and not entitled to bargain collectively is noted. It is concluded, however, that collective bargaining in higher education remains a viable means of governance for the more than 30% of U.S. colleges and universities that have chosen this mechanism. A subject index to volumes 14 and 15 of the newsletter is included. (SM)

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In Higher Education and the Professions

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UNIONIZATION AMONG COLLEGE FACULTY-1988.

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NEWSLETTER
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Unionization Among College Faculty-1988

INTRODUCTION

Modest increases were reported in virtually every category used to record collective bargaining in higher education (CBHE), however, for the first time since the Center began tabulating such data in 1974, no bargaining units consisting of full-time, tenure-track faculty were organized. Of the four new bargaining units in which agents were elected in 1987, three consisted of part-time faculty and one of teaching assistants. The number of recognized bargaining agents increased by 1.8% over the previous year from 458 to 466, while the number of negotiated agreements increased by 1.6% from 427 to 434. The number of faculty represented by certified bargaining agents is approximately 213,673, an increase of 2.7% over the previous year. The number of unionized campuses is estimated at 1028 or 31% of the total of 3331. This unionization percentage includes 61% of all two-year public institutions, four percent of two-year private institutions, 65% of all four-year public institutions and five percent of all four-year private institutions. These statistics, representing the extent of faculty unionization, reflect the highest totals since the Center started tracking this data in 1984.

Part of the growth in the number of recognized bargaining agents may be slightly inflated and attributed to improved reporting procedures by the national faculty organizations, and a certain time lag in the identification of NEA locals organized since the Ohio and Illinois collective bargaining bills were passed in 1983. Another segment of the increase may be due to institutional mergers and other realignments rather than actual growth.

Of the 11 elections held in 1987, only one (University of Kansas) involved an organizing drive designed to gain representation rights for a unit of full-time, tenure-track faculty. This marks a shift away from organizing full-time faculty and an increase in organizing efforts directed at part-time and non-tenure track groups.

The dichotomy between the private and public sectors was again evident in 1987. All of the 11 elections held were at public institutions. A further indication of the decline in private sector bargaining was the decertification of three private sector units. As we have stated before, it is evident that the ruling by the United States Supreme Court in NLRB v. Yeshiva University, 444 US. 672 (1980), which denied faculty who have been designated as managerial employees the right to bargain under the protection of the National Labor Relations Act, has had a devastating impact on private sector faculty organizing. The number of private sector bargaining agents and negotiated contracts stands at 74.

AGENTS ELECTED

Eleven bargaining agent elections were held in 1987, although only one was directed at representing unorganized full-time, tenure-track faculty. The number of newly elected agents was three, with the results still pending in one. Of the three agents elected, two consisted of part-time teaching faculty, while the the third, teaching assistants. Seven additional elections were held concerning change in agent status or challenge to agent status. Of these, agents and/or affiliations were changed in five. An analysis of faculty union organizing and agent election follows:

AFT

The American Federation of Teachers and their local affiliates were involved in 10 elections, winning seven and losing two, while the results in one are still pending. New AFT locals include the part-time faculty at the New Jersey State College System, the part-time faculty at the Vermont State College System, the teaching assistants at the University of Wisconsin at Madison, the professional staff at Mercer County Community College, the faculty at San Diego Community College, and a new

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joint affiliation for the faculty bargaining unit with the AAUP at Temple University.

At the New Jersey State College System, the AFT defeated "No-Agent" by a vote of 56 to 9 for a bargaining unit of 105 faculty. The full-time members of the eight-campus New Jersey State College System have been represented by the AFT since 1972. The part-time faculty at the Vermont State College System elected AFT over "No-Agent" by a vote of 63 to 7. This 76 member bargaining unit is part of the five-campus state system which has been represented by the AFT since 1973. At the University of Wisconsin at Madison, one of the few universities where teaching assistants bargain pursuant to legislation, the TAA/AFT defeated "No-Agent" by a vote of 969 to 640 for representation rights for a unit of 2,227. The teaching assistants had been previously organized pursuant to a voluntary agreement which subsequently expired. The TA's were given statutory bargaining rights in 1985 and the AFT is now their elected bargaining agent. An AAUP/AFT coalition defeated "No-Agent" by a vote of 292-232 for a unit of 1000 part-time faculty and librarians at the University of Pittsburgh but the results are still pending due to 202 challenged ballots.

In elections involving a change in agent status, the AFT lost two locals to the NEA at Dutchess Community College. In an election by full-time faculty, the NEA defeated NYSUT, the AFT affiliate, by a vote of 87 to 7 for a bargaining unit of 209. The 250 member adjunct unit at the same institution had previously agreed to be bound by the vote of the full-time faculty unit. NYSUT had organized the regular faculty at Dutchess in 1965, and the adjunct faculty in 1985. At Mercer County Community College, New Jersey, the AFT won bargaining rights for a unit of 92 professional staff members from the NEA by a vote of 60-12. At San Diego Community College, California, the AFT defeated the NEA by a vote of 335 to 275 to win bagaining rights for a unit of 461 full-time and 1,970 part-time faculty. At Temple University, the AAUP chapter, and the AFT now have joint affiliation. The bargaining unit at Temple is 1,052.

The AFT defeated a challenge by the NEA to their agent status at Los Rios Community College, California, receiving 632 votes to 313 for the NEA in a unit of 1,346.

The AFT and their affiliates represent faculty at 134 colleges and universities. This includes 110 public, and 24 private institutions. Of these, 45 are four-year colleges, while 89 are two-year.

NEA

The National Education Association and their local affiliates were involved in six elections, winning two, while losing four. Their two new units are the full-time and adjunct faculty at Dutchess Community College which had previously affiliated with the AFT. The NEA defeated AFT 87 to 7 for representation rights for the full-time faculty at Dutchess, and, as a result, also gained bargaining rights for adjunct faculty who had previously indicated that they would go along with the results of the full-time faculty election. The NEA lost a unit of 92 professional staff at Mercer County Community College in New Jersey by a vote of 60-12 to the AFT. An NEA local at San Diego Community College, consisting of 461 full-time faculty and 1,970 part-time faculty voted to affiliate with the AFT instead of the NEA by a vote of 335 to 275. The NEA and their California affiliate, the CTA, had been the bargaining agent at San Diego since 1977. At Los Rios Community College in California, the NEA unsuccessfully challenged the AFT for bargaining rights for a unit of 1,346 faculty. The AFT received 632 to 313 for the NEA.

The NEA was involved in a lengthy organizing drive at the University of Kansas for representation rights for a unit of 1,017 faculty. The NEA received 216 votes, while "No-Agent" received 440. The AAUP was also involved in the election and received 191 votes.

The NEA and their affiliates currently represent faculty at 223 institutions. These include 205 public, and 18 private colleges. Of these, 36 are four-year colleges, while 187 are two-year institutions.

AAUP

The American Association of University Professors was involved in one election in 1987. The AAUP received 191 votes at the University of Kansas in an organizing drive for a unit of 1,017 faculty. "No-Agent" received 440 votes, while the NEA/KEA received 216. The AAUP affiliate at Temple University agreed to a joint affiliation with the AFT for bargaining purposes for a unit of 1,052. An AAUP/AFT coalition defeated "No-Agent" at the University of Pittsburgh, 292-232, for a unit of part-time faculty and librarians, however, the results of that election are still pending due to 202 challenged votes.

The AAUP and their affiliates represent faculty at 41 colleges and universities. This includes faculty at 24 public and 17 private institutions. Of these, 37 are four-year colleges, and four are two-year institutions.

"NO-AGENT" ELECTIONS

Only one "No-Agent" election was reported in 1987. In a strenuously contested election for representation rights of a unit of 1,017 faculty at the University of Kansas, the supporters of "No-Agent" defeated the NEA/KEA and the AAUP by a vote of 440 to 216 to 191.

DECERTIFICATIONS

Five faculty units were decertified in 1987,

only one of which was a direct result of Yeshiva. The faculty at Curry College, the University of Dubuque Seminary, the part-time unit at Rutgers State University, and the administrators at Lansing Community College all voluntarily decertified themselves. Curry College had previously had a Yeshiva claim which had been resolved after a withdrawl of certain bargaining rights by the AAUP. The faculty at the University of Dubuque Seminary had been organized in 1973, and at the time of decertification, had a bargaining unit of only 13. No information is available as to the reason for the voluntary decertification by the administrative association at Lansing Community College, Michigan, or the part-time faculty at Rutgers University, both of which were represented by independent groups. Rutgers part-time faculty, organized since 1978, had not negotiated their initial agreement.

The most significant decertification, in terms of size and collective bargaining history, occurred at Fairleigh Dickinson University in New Jersey, where the AAUP chapter was decertified based on a Yeshiva claim. The 495 full- and part-time members of the bargaining unit had been organized since 1974.

Changes in bargaining agents, although technically decertifications, do allow the continuation of collective bargaining. For technical purposes, they are considered decertifications, as one bargaining agent certificate is revoked with a new one being issued. These types of decertifications occurred at Dutchess Community College, Mercer County Community College, San Diego Community College and Temple University.

One related decertification matter occurred at the University of Pittsburgh, where an organizing drive was conducted by the AAUP and AFT for a unit of regular tenure stream faculty. During the course of the organizing campaign, the unions and administration agreed to submit the Yeshiva managerial question as it impacted on this group to the Pennsylvania Labor Relations Board for a determination. A hearing examiner for the Board found that the faculty were managerial and not entitled to bargain under the protection of the Pennsylvania statute. That decision does not impact in any way on the bargaining certificate that was previously issued in 1976 to an independent organization representing 831 full- and part-time faculty at the University of Pittsburgh Medical School. That organization technically holds the bargaining certificate although they have not yet bargained a contract.

STRIKES

There were three reported work stoppages during 1987, all of which occurred in the fall semester of the 1987/88 academic year. This marks a substantial decrease in strike activity from previous years and while it is unclear if a trend toward less strike activity is developing, the lack of strikes in 1987 should be noted. The average mean length of these strikes was 2.3 work days. Set forth below are the institutions, size of faculty unit, faculty agent, and length of strike for each reported stoppage.

1. Ferris State College: 507 full-time faculty, NEA, 4-days

2. University of Bridgeport: 245 faculty AAUP, 1-day

3. Shawnee State Community College: 78 full-time, 68 support staff, NEA, 2-days

LEGISLATION

Only one collective bargaining bill was passed during 1987. That bill granted collective bargaining rights to academic personnel in the community colleges in the state of Washington. This bill amended a previous law enacted in 1973 and changed the existing statute from a meet and confer requirement to collective bargaining. It further strengthened various administrative aspects of the collective bargaining process as well as the machinery to enforce the law. The law is one of the few in the nation that specifically addresses collective bargaining in higher education and is the only one limited to community college faculty. It should be noted that Washington State does not have enabling legislation for faculty bargaining at four-year public colleges. The number of states with enabling legislation for CBHE is now 27. An additional three states, allow collective bargaining pursuant to local governing board authorization. For a complete listing of all collective bargaining legislation see Directory, Table Eleven.

DEMOGRAPHIC ANALYSIS

The exact tabulation of the number of college faculty represented by collective bargaining agents has proven a difficult number to develop. Several factors contribute to this problem, some of which are identified below:

1. There is no one number that is universally agreed upon as the number of teaching faculty in the United States. The National Center for Educational Statistics (NCES) and the Higher Education Directory (HED), as well as our own contract data bank, serve as the information source from which our numbers are developed.

2. Many institutions do not report their faculty by full-time and part-time, but instead by full-time equivalent. Since collective bargaining units are not defined along those lines, it is somewhat difficult to distinguish between full-time and part-time faculty that are represented.

3. The number of adjuncts in any one given semester is subject to severe fluctuations. Since the use of adjunct faculty is enrollment driven, there is no guarantee of any set number. This manifests itself in further complications as one attempts to

SUMMARY OF ELECTIONS - 1987

A. AGENTS ELECTED

Institution	State	Unit Size	Vote	Agent Elected	2/4 Year College
New Jersey State College System (Part-time)	NJ	105	AFT-56 No Agent-9	AFT	4
University of Pittsburgh (Part-time & Librarians)	PA	1000	AAUP/AFT-292 No Agent-232 Challenged-202	Still Pending	4
University of Wisconsin-Madison (Teaching Assistants)	WI	2227	TAA/AFT-969 No Agent-640 Challenged-49	TAA/AFT	4
Vermont State College (Part-time)	VT	76	AFT-63 No Agent-7	AFT	4

B. CHANGE IN AGENT STATUS

Institution	State	Unit Size	Vote	New Agent	Former Agent	2/4 Year College
Dutchess Community College (Faculty)	NY	209	NEA-87 NYSUT/AFT-7 Abstentions-2	NEA	NYSUT/AFT	2
Dutchess Community College (Adjunct Faculty)	NY	250	*	NEA	NYSUT/AFT	2
Mercer County Community College (Professional Staff)	NJ	92	AFT-60 NJEA-12	AFT	NEA	2
San Diego Community College	CA	461 ft 1970 pt	AFT-335 NEA-275	AFT	NEA	2
Temple University	PA	1052	Affiliation Merger	AAUP/AFT	AAUP	4

*No Vote: Parties agreed to be bound by vote of full-time faculty bargaining unit.

SUMMARY OF ELECTIONS - 1987 - Continued

C. CHALLENGE TO AGENT STATUS

Institution	State	Unit Size	Vote	Challenging Agent	2/4 Year College
Los Rios Community College	CA	1346	AFT-632 NEA-313	NEA	2

D. AGENTS DECERTIFIED

Institution	State	Unit Size	Vote	Agent Decertified	2/4 Year College
Curry College	MA		N/A	AAUP	4
Fairleigh Dickinson University	NJ		N/A	AAUP	4
Lansing Community College (Administrative Assoc.)	MI		N/A	NEA	2
Rutgers State University of N.J. (Part-time)	NJ		N/A	Ind.	4
University of Dubuque Seminary	IA		N/A	NEA	4

E. NO AGENT VOTES

Institution	State	Unit Size	Vote	Agent Defeated	2/4 Year College
University of Kansas	KS	1017	No Agent-440 NEA/KEA-216 AAUP-191	NEA/KEA, AAUP	4

F. FIRST CONTRACTS SIGNED IN 1987

Institution	State	Unit Size	Agent	Contract Expiration	2/4 Year College
College of Insurance	NY	12	AAUP	9/90	4
Dutchess Community College (Adjunct Fac.)	NY	250	NEA	8/31/90	2
Santa Barbara Community College	CA	500	Ind.	12/31/89	2
University of Washington (Nursing Staff)	WA	400	1199NW	5/89	4

develop the total size of any specific faculty unit.

4. Other problems include a lack of knowledge on the part of those who are often asked for information such as unit membership. Quite often they confuse unit and union membership and therefore generate a lower number. Nevertheless, we use all information available to us and we estimate that the number of college faculty represented by collective bargaining units in 1987 rose from 208,147 to 213,673 an increase of 2.7%. Although a certain part of this number is due to improved reporting procedures and may be slightly inflationary, it is interesting to note that increases are still being reported while the overall labor movement membership is in a period of general decline.

The number of public sector faculty represented by bargaining agents has increased by 2.6%, from 198,647 in 1987 to 203,744 in 1988. An increase of 4.5% was noted in the number of represented faculty at private colleges.

Although the Directory includes data pertaining to collective baraining in Canada, the demographic analysis applies only to colleges in the U. S.

FIRST CONTRACT SIGNED

The time period between the certification of a bargaining unit and negotiation of the first contract can vary from a few months to several years. Four first contracts were signed in 1987 all of which occurred at institutions that had been unionized in 1986 or previously — The College of Insurance, Dutchess Community College adjunct faculty, Santa Barbara Community College faculty, and the nursing staff at the University of Washington. The dates of the agreements can be obtained from the Summary of Elections section in this Directory and under each institution listing.

SUMMARY AND CONCLUSIONS

It is difficult to describe collective bargaining in higher education in 1987 without making specific reference to the lack of organizing of any new full-time faculty bargaining units for the first time since the Center was founded some 16 years ago. The only newly organized units this year were part-time faculty and teaching assistants. What is also significant is the fact that only one election was held (University of Kansas) where the target group for the organizing drive was full-time, tenure-track faculty. This may mark a shift in union organizing drives away from full-time faculty to adjunct groups, or may just be an aberration.

The lack of any new enabling legislation, or even noticeable drives behind new bills, will most likely have a long-term negative effect in further faculty unionization. It has been suggested that nearly all eligible faculty in those states where enabling legislation currently exists and who have expressed an interest in organizing, have been organized, and therefore, absent any new legislation, further growth will be limited. The three national agents, well aware of this problem, are making strategic choices with respect to organizing drives. The NEA and AFT appear to be recruiting adjunct faculty and support groups, while AAUP is making no move in this direction.

The number of challenges and raids to established units continues. Five contested elections were held in the past year involving challenges to existing unit structure relationships. The NEA and AFT each took two units away from the other, while the AFT was successful against the NEA in their defense of their unit at Los Rios Community College. In another contested election (University of Kansas), the NEA and AAUP competed for the pro-collective bargaining vote. If one adds the NEA total of 216 to the AAUP total of 191, one notes the slight margin of victory by "No-Agent", 440. As has been noted by the Center in the past, there appears to be a continuation of inter-agent rivalry between the three national organizations which shows little, if any, signs of lessening.

One of the most dramatic events of the year is not reflected in this Directory since it did not involve a unit election but instead focused on a ruling by a hearing examiner for the Pennsylvania Labor Relations Board. That decision held that the faculty at the University of Pittsburgh were managerial and not entitled to bargain collectively under the protection of the Pennsylvania Labor Relations Act. This case is currently on appeal to the Labor Relations Board of the State of Pennsylvania. What is significant is that this is the first extension of the Yeshiva doctrine to a public sector college and, if allowed to continue unchecked, might develop into a crippling blow for public sector bargaining in higher education to the same extent that Yeshiva has already been in the private sector.

If one were to speculate as to what might lie ahead for CBHE, several salient points should be noted. First, private sector faculty bargaining will most likely continue to diminish with a decreased number of institutions partaking of the process in future years. Second, there is no lead Yeshiva case currently before any of the courts or agencies that appear to give any relief to academic unions. Third, future studies of CBHE will most likely develop into studies of public sector CBHE with minimal attention given to the private sector. Fourth, no decreases are expected in the number of organized faculty as long as the entire academic profession continues to grow or continue at present staffing levels. Fifth, increases are expected in the number of adjunct bargaining units as part-time faculty, evermore aware of job security and fringe benefit rights and expectations, will see union representation as a means of securing these goals.

In sum, collective bargaining in higher education remains a viable means of governance for the over 30% of the nation's college and university campuses that have chosen this mechanism.

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